

REMARKS

An Office Action was mailed on April 3, 2003. Claims 1-5 are pending in the present application.

NOTICE OF REFERENCES CITED (PTO-892)

The Examiner cited U.S. Patent 4,839,220 under 35 U.S.C. §103(a) against claims 2 and 4 of the present invention. However, the Examiner failed to note such patent on Form PTO-892. Accordingly, it is respectfully requested that the Examiner issue a new Form PTO-892 citing the '220 reference thereon.

FILING RECEIPT CORRECTION DATED OCTOBER 17, 2001

On October 17, 2001, Applicant filed a Request for Corrected Filing Receipt to correct the term "HARDEND" to -- HARDENED --. Thus, the title of the application should be -- FABRIC REINFORCED RUBBER FOR SHEET FOR THE PRODUCTION OF SLABS OF RESIN HARDENED FINELY DIVIDED STONE MATERIAL. -- It is respectfully requested that the Examiner confirm that such title was indeed corrected as noted above.

OBJECTION TO THE SPECIFICATION

The disclosure is objected to because NBR is not defined on page 3 of the specification and because an Abstract on a separate sheet is required. Responsive thereto, Applicant has defined NBR in the specification as -- Nitrile Butadiene Rubber --. Applicant has also provided an Abstract on a separate sheet as required by 37 C.F.R. §1.72(b).

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Accordingly, it is respectfully requested that the Examiner withdraw the objections to the specification.

OBJECTION TO THE CLAIMS

Claims 2 and 2-5 are objected to because of various informalities. Responsive thereto, Applicant has written out the abbreviated terms in claim 2, and has changed "characterized in that" to -- wherein -- in claims 2-5.

Accordingly, it is respectfully requested that the Examiner withdraw her objection to the claims.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 2 and 3 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Responsive thereto, Applicant has removed the term "type" from claim 2 and has canceled claim 3, thus rendering the §112 rejection to claim 3 moot.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph.

REJECTIONS UNDER 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 3 and 5 are rejected under 35 U.S.C. §102(b) as being anticipated by Lewis (U.S. Patent 4,744,843), while claims 2 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lewis '843 in view of Snijntjes et al. (U.S. Patent 4,839,220).

Responsive thereto, Applicant has limited the claims of the present invention to the molded rubber sheet consisting of the elements as described and illustrated in Figure 3 and as set forth on page 3 of the specification. Furthermore, Applicant has further limited the molded rubber sheet of the present invention to consist of the element set forth in original claim 3.

Thus, the present invention is now defined as a molded rubber sheet structure for use in a process for the production of slabs, consisting of a first layer of rubber forming a first outwardly directed surface and a second layer of rubber, a first layer of non-deformable cloth or fabric interposed between said first and second layers of rubber, a second layer of cloth of non-deformable material provided on said second layer of rubber and forming a base of the molded rubber sheet, which second layer of cloth thereby constitutes a second outwardly directed surface of the molded rubber sheet, said molded rubber sheet being dimensionally stabilized by heating to a temperature in the region of 160°C, and the first and second layers of rubber have the same structure as regards the homogeneity of heat transfer.

Applicant respectfully disagrees with the Examiner that the claims as amended are taught by the cited art. The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ...claim." (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). "The elements must be arranged

as required by the claim, but this is not an *ipse dixit* test, i.e. identity of terminology is not required." (MPEP § 2131, citing *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990)).

In this case, the cited art fails to teach the claimed invention as required by the MPEP. For instance, Lewis '843 fails to disclose a molded rubber sheet structure having outwardly facing surfaces defined by a rubber sheet and a cloth sheet. Instead, Lewis '843 clearly defines a conveyor belt defined by two face layers (1) of non-woven fabric. This distinction is highlighted by the differences in functionality between the rubber sheet structures of the present invention and the conveyor belt structure of Lewis '843. In the present invention, the first rubber layer or first outwardly directed surface is intended to contact the slab, while the second cloth layer or second outwardly directed surface is intended to contact the oven surface (see page 4, lines 3-9 of the present specification). Lewis '843 merely discloses a method of manufacturing a reinforced rubber belt having a non-analogous belt structure that serves a non-analogous purpose.

Furthermore, Applicant has added claim 6, which further defines the molded rubber sheet structure as consisting of a finite-length removable sheet, not in the form of a continuous belt, for use in the process for the production of slab, wherein said sheet is initially attached to a slab and is then subsequently removed therefrom. Such claim is amply supported in the specification in the description of use of the present invention (see pages 1-2), and further distinguishes the present invention from the Lewis '843 continuous conveyor belt structure.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 102(b). Applicant further respectfully requests that claims 2 and 4 are patentable through dependency.

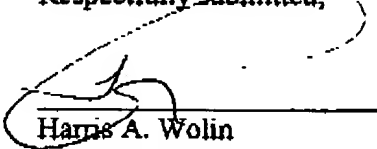
For the foregoing reasons, reconsideration is respectfully requested.

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1, 2 and 4-6, consisting of independent claim 1 and the claims dependent therefrom, are in condition for allowance.

Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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